

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO.3632 OF 2005

Shri Jaybhim Maruti Davare

.. Petitioner

v/s.

The
Pune.

Pune

Municipal
.. Respondent

Transport,

Mr.S.A.Sawant

for

the

petitioner.

Mr.R.G.Ketkar

for

the

respondent.

CORAM : SMT.NISHITA MHATRE, J.

DATED : 29th September, 2005

P.C.

The petitioner challenges the order dated 2nd April, 2005 passed by the Industrial Court in revision and the order passed by the Labour Court on 30th August, 2003 in complaint (ULP) No.78 of 1993. Both the courts below have found that the misconduct alleged against the petitioner has been proved and that the past record of the petitioner was not such that would militate against the misconduct proved. Both the courts below have found that the punishment imposed was not shockingly disproportionate. I see no reason to interfere with these findings of the Labour Court which have been confirmed in the revision application.

2. The contention of the learned advocate for the petitioner that the enquiry held against the petitioner was not fair and proper cannot be agitated

in this petition as the enquiry has found to be fair and proper by the Labour Court in its order dated 11th April, 2001. This order has not been challenged by the petitioner either in the revision application or in this writ petition. Therefore, the order dated 11th April, 2001 has attained finality and it cannot be challenged. Petition is rejected.

(SMT.NISHITA MHATRE, J.)